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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,342	07/30/2003	Alan R. Pfaff JR.	11009-22	9300
30565	7590	05/01/2006	EXAMINER	
WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP 111 MONUMENT CIRCLE, SUITE 3700 INDIANAPOLIS, IN 46204-5137			NGUYEN, PHONG H	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/630,342	PFAFF, ALAN R.
	Examiner Phong H. Nguyen	Art Unit 3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 11 November 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 20-27,29-34 and 36-43 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 20-27,29-34 and 36-43 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

1. Upon further consideration, the allowable subject matter of claims 20-27, 34-43 is withdrawn.

2.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

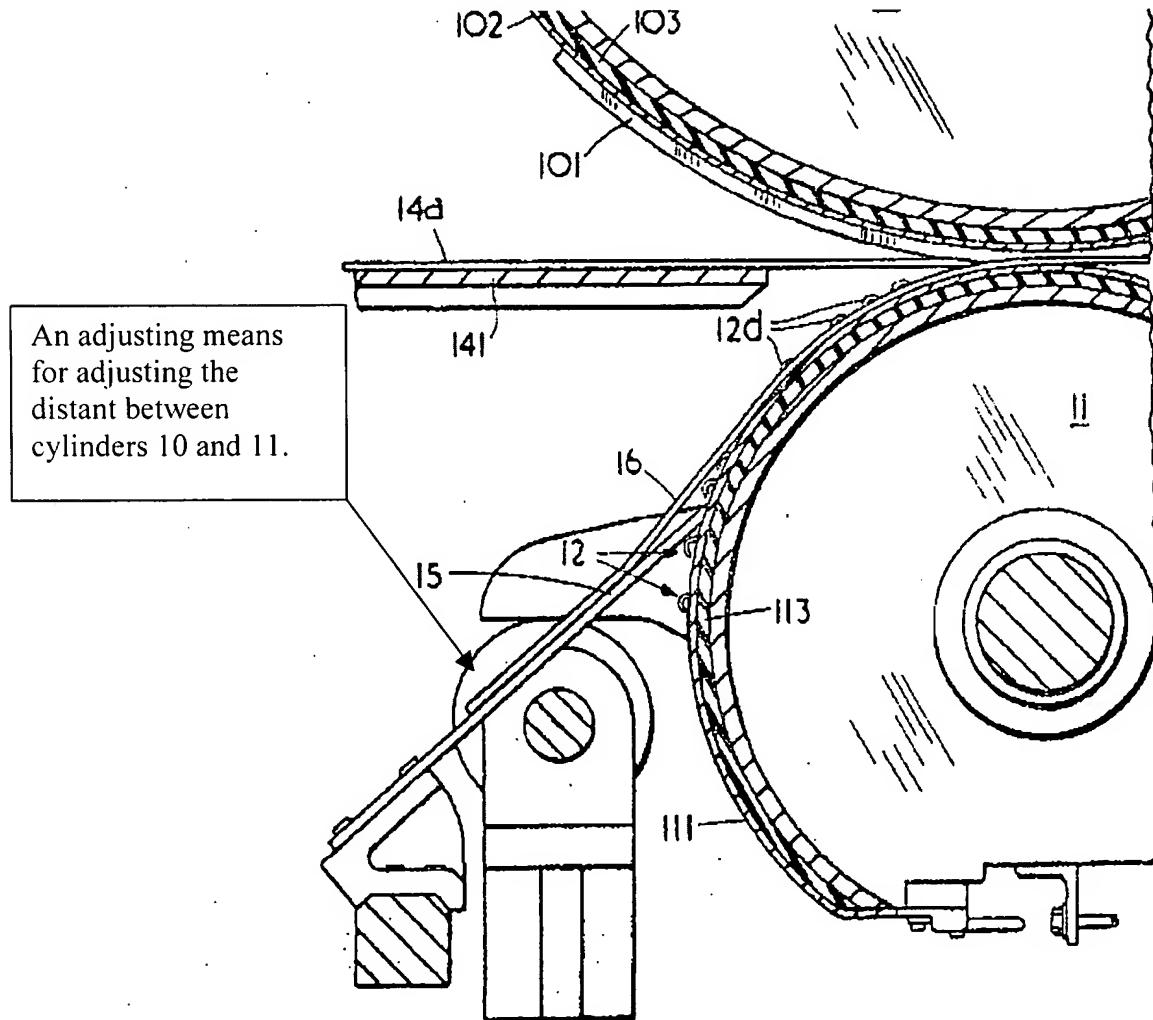
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirby et al. (3,270,602), hereinafter Kirby.

Regarding claims 20 and 21, Kirby teaches a rotary die comprising a pair of cylinders, a rotary die, a plurality of gripping means 12 and a stripping knife 15. See Figs. 1-6.

It is to be noted that the gripping means 12 does not always penetrate through a waste piece since the pair of cylinders are adjustable for workpieces having different thicknesses and the gripping means 12 having a constant height. For example, when a thick cardboard is to be cut, the pair of cylinders is moved away by an adjusting mechanism. Since the distance between the two cylinders is greater, gripping means 12 does not pierce through a waste piece.

Resilient anvil surface 111 is considered a co-acting cutting element since without it the cutting rule 101 cannot perform a cutting process.



Regarding claim 22, the gripping means do not extend above a cutting element 101.

Regarding claim 23, see Figs. 2-4.

Regarding claim 24 and 25, gripping means being arranged in a pattern isosceles triangles are best seen in Fig. 6.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 26, 27, 29-34 and 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirby.

Regarding claims 26 and 33, 39, Kirby teaches the invention substantially as claimed except for a specific dimension of the web thickness and the height of the gripping means. Choosing a specific thickness for the web and a specific dimension for the gripping means are routine skill in the art since it depends on customer's demand. Therefore, it would have been obvious to one skilled in the art to provide a web having a thickness of 0.01 inches and the gripping means having a height of 0.015 inches since such practice is routine skill in the art.

Regarding claims 27, 34 and 40, Kirby teaches the invention substantially as claimed except for a specific number of projections of the gripping means per square inch.

At the time the invention was made, it would have been an obvious matter of design choice to one skilled in the art to provide 25 projections per square inch because the Applicant has not disclosed that such particular number of projections provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with number of projection in Fig. 6 because they both can hold a waste piece.

Therefore, it would have been an obvious matter of design choice to provide 25 projections 12 in Kirby per square inch to obtain the invention as specified in claim 27.

Regarding claims 29 and 36, see Fig. 1.

Regarding claims 30 and 37, using a method of masking or etching to make gripping elements is well known in the art as evidenced in page 4 of the Applicant's Specification.

Regarding claims 31 and 32, 38, gripping means being arranged in pattern isosceles triangles are best seen in Fig. 6.

Regarding claims 41-43, Simpson teaches the invention substantially as claimed except for the projections of the gripping means having a shape of a truncated cone.

At the time the invention was made, it would have been an obvious matter of design choice to one skilled in the art to provide the projections in Kirby a shaped of a

truncated cone because the Applicant has not disclosed that such particular shape of the projections provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the projections in Fig. 10 because they both can penetrate a waste piece.

Therefore, it would have been an obvious matter of design choice to make the projections in Kirby in a shape of a truncated cone to obtain the invention as specified in claim 41.

### *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

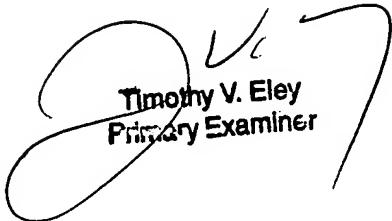
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: 

April 24, 2006



Timothy V. Eley  
Primary Examiner